

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:	§	
CYNTHIA ALLEN,	§	
Last 4 of SSN: 3719	§	CASE NO. 17-40771
	§	
	§	
933 PLANTATION DRIVE	§	CHAPTER 13
DESOTO, TEXAS 75115	§	
Debtor(s)	§	
	§	

**ORDER MODIFYING CONFIRMED CHAPTER 13 PLAN
AND GRANTING ADDITIONAL AWARD OF ATTORNEY FEES**

ON THIS DATE the Court considered the Motion to Modify Confirmed Chapter 13 Plan (the “Modification Motion”) filed on or about September 18, 2019, by the Debtor(s), CYNTHIA ALLEN [the “debtor(s)”. The Modification Motion seeks to modify the terms of the confirmed Chapter 13 plan [docket #] in the above referenced case (the “Confirmed Chapter 13 Plan”). The Court finds that the Modification Motion was properly served pursuant to the Federal and Local Rules of Bankruptcy Procedure and that it contained the appropriate twenty-eight (28)-day negative notice language, pursuant to LBR 3015(h), which directed any party opposed to the granting the relief sought by the Modification Motion to file a written response within 28 days or the Modification Motion would be deemed by the Court to be unopposed. The Court finds that no objection or other written response to the Modification Motion has been timely filed by any party. Due to the failure of any party to file a timely written response, the proposed plan modifications, together with any allegations contained in the Motion regarding the propriety of those plan modifications or the fulfillment of the requirements set forth in §1329 of the Bankruptcy Code, stand unopposed. Therefore, the Court finds that just cause exists for the entry of the following order.

IT IS THEREFORE ORDERED that the Motion to Modify Confirmed Chapter 13 plan filed on May 13 , 2019, by the Debtor(s), CYNTHIA ALLEN, is hereby **GRANTED**, the Confirmed Chapter 13 Plan is hereby **MODIFIED** in accordance with the provisions set forth in the Modification Motion, as amended by this Order, and the Chapter 13 Trustee shall adjust her distributions accordingly.

IT IS FURTHER ORDERED that all provisions of the Confirmed Chapter 13 Plan not addressed by the Modification Motion or this Order remain in full force and effect.

IT IS FURTHER ORDERED that the request for an additional award of attorney fees, as contained in Paragraph 5 of the Modified Motion, is **GRANTED** and that MICHAEL WISS, is

awarded the sum of \$ 1,700.00 Which shall be in addition to any other fees previously awarded or paid in this case.

SIGNED this _____ day of _____, 2019.

HONORABLE BRENDA T. RHOADES
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE: **Cynthia Allen**CASE NO **17-40771-BTR***Debtor(s)*CHAPTER **13**

EXHIBIT "A" - VARIABLE PLAN PAYMENTS

PROPOSED PLAN OF REPAYMENT (VARIABLE PAYMENTS INTO THE PLAN)

<u>Month / Due Date</u>	<u>Payment</u>	<u>Month / Due Date</u>	<u>Payment</u>	<u>Month / Due Date</u>	<u>Payment</u>
1 05/11/2017	\$3,558.21	21 01/11/2019	\$3,558.21	41 09/11/2020	\$210.00
2 06/11/2017	\$3,558.21	22 02/11/2019	\$3,558.21	42 10/11/2020	\$2,100.00
3 07/11/2017	\$3,558.21	23 03/11/2019	\$3,558.21	43 11/11/2020	\$2,100.00
4 08/11/2017	\$3,558.21	24 04/11/2019	\$3,558.21	44 12/11/2020	\$2,100.00
5 09/11/2017	\$3,558.21	25 05/11/2019	\$3,558.21	45 01/11/2021	\$2,100.00
6 10/11/2017	\$3,558.21	26 06/11/2019	\$3,558.21	46 02/11/2021	\$2,100.00
7 11/11/2017	\$3,558.21	27 07/11/2019	\$3,558.21	47 03/11/2021	\$2,100.00
8 12/11/2017	\$3,558.21	28 08/11/2019	\$3,558.21	48 04/11/2021	\$2,100.00
9 01/11/2018	\$3,558.21	29 09/11/2019	\$2,100.00	49 05/11/2021	\$2,100.00
10 02/11/2018	\$3,558.21	30 10/11/2019	\$2,100.00	50 06/11/2021	\$2,100.00
11 03/11/2018	\$3,558.21	31 11/11/2019	\$2,100.00	51 07/11/2021	\$2,100.00
12 04/11/2018	\$3,558.21	32 12/11/2019	\$2,100.00	52 08/11/2021	\$2,100.00
13 05/11/2018	\$3,558.21	33 01/11/2020	\$2,100.00	53 09/11/2021	\$2,100.00
14 06/11/2018	\$3,558.21	34 02/11/2020	\$2,100.00	54 10/11/2021	\$2,100.00
15 07/11/2018	\$3,558.21	35 03/11/2020	\$2,100.00	55 11/11/2021	\$2,100.00
16 08/11/2018	\$3,558.21	36 04/11/2020	\$196,840.00	56 12/11/2021	\$2,100.00
17 09/11/2018	\$3,558.21	37 05/11/2020	\$2,100.00	57 01/11/2022	\$2,100.00
18 10/11/2018	\$3,558.21	38 06/11/2020	\$2,100.00	58 02/11/2022	\$2,100.00
19 11/11/2018	\$3,558.21	39 07/11/2020	\$2,100.00	59 03/11/2022	\$2,100.00
20 12/11/2018	\$3,558.21	40 08/11/2020	\$2,100.00	60 04/11/2022	\$2,100.00

Case	Doc	Filed	Entered	Desc	Proposed
Label Matrix for local notice 1540-4 Case 17-40771 Eastern District of Texas Sherman Tue Sep 17 14:51:10 CDT 2019	60-1	09/18/19	08:47:12	Proposed	American InfoSource LP as agent for T-Mobile/T-Mobile USA Inc PO Box 248848 Oklahoma City, OK 73124-8848
(p)AMERICOLLECT INC PO BOX 2080 WANITOWOC WI 54221-2080					Baylor Univ. Medical Ctr c/o Creditors Bankruptcy Service P.O. Box 800849 Dallas, TX 75380-0849
Charles A Caldwell Attorney at Law PO Box 601174 Dallas, TX 75360-1174					Codilis & Stawiarski, P.C. 650 N. Sam Houston Pkwy East Suite 450 Houston, TX 77060-5908
Dallas County Linebarger Goggan Blair & Sampson, LLP c/o Melissa L. Palo 1777 N. Stemmons Frwy Suite 1000 Dallas, TX 75207-2328					Dallas County Tax Assessor-Collector Records Building - 1st Floor 500 Elm Street Dallas, TX 75202-3304
Larey D. Ebert P. O. Box 941166 Plano, TX 75094-1166					Internal Revenue Service P O Box 7346 Philadelphia, PA 19101-7346
Michael Wiss and Associates 1882 Greenville Avenue Suite 111 Box 111 Dallas, Texas 75243-3567					NTTA Customer Service Center PO Box 260928 Plano, TX 75026-0928
Melissa L. Palo Linebarger Goggan Blair & Sampson LLP 1777 N. Stemmons Freeway, Suite 1000 Dallas, TX 75207-2328					Perdue, Brandon, Fielder, Collins & Matt Attention Fort Bend County 1235 North Loop West Suite 600 Houston, TX 77008-1772
ELS Mortgage 1742 Lucent Boulevard Suite 300 Highlands Ranch, CO 80129-2386					Specialized Loan Servicing P O Box 666005 Littleton, CO 80163-6005
Specialized Loan Servicing LLC 1742 Lucent Blvd, Suite 300 Highlands Ranch, CO 80129-2386					Specialized Loan Servicing LLC 8742 Lucent Blvd, Suite 300 Highlands Ranch, Colorado 80129-2386
THE BNYM TRUST Company N.A. Trustee (See410) c/o Specialized Loan Servicing LLC 1742 Lucent Blvd, Suite 300 Highlands Ranch, Colorado 80129-2386					Synchrony Bank c/o Recovery Mangmnt Sys Corp 25 SE 2nd Avenue, Suite 1120 Miami, FL 33131-1605
					Texas Neuroradiology PA 9301 N. Central Expy Dallas, TX 75231-0806

The Lofts @ City Center 345 10th Avenue East Tuscaloosa, AL 35404-3853	U.S. Attorney General Department of Justice Main Justice Building 10th & Constitution Ave., NW Washington, DC 20530-0001	U.S. Bank National Association Shellpoint Mortgage Servicing P.O. Box 10826 Greenville, SC 29603-0826
U.S. Bank National Association, as trustee o P.O. Box 10826 Greenville, SC 29603-0826	U.S. Bank National Association, as trustee o Shellpoint Mortgage Servicing P.O. Box 10826 Greenville,, SC 29603-0826	U.S. Bank Trust National Association, as Tr of Cabana Series III Trust c/o BSI Financial Services 1425 Greenway Drive, Ste 400 Irving, TX 75038-2480
US BANK TRUST NATIONAL ASSOCIATION AS TRUSTE Raymond Valderrama c/o BSI Financial Services , Bankruptcy 1425 Greenway Drive, Ste. 400 Irving, TX 75038-2480	US Trustee Office of the U.S. Trustee 110 N. College Ave. Suite 300 Tyler, TX 75702-7231	United States Attorney 110 N. College, Suite 700 Tyler, TX 75702-0204
United States Trustee 110 N. College, Suite 300 Tyler, TX 75702-7231	Ventana Midtown 4001 Fannin Street Houston, TX 77004-4074	Michael J. Wiss Wiss & Freemyer, LLP 11882 Greenville Ave., Suite 111 Box 11 Dallas, TX 75243-3567
Kristin A. Zilberstein The Law Offices of Michelle Ghidotti 920 Old Tustin ave. Santa Ana, CA 92705-7811		

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

mericollect
851 S. Alverno Rd.
Janitowoc, WI 54220

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Dallas County Linebarger Goggan Blair & Sampson, LLP c/o Melissa L. Palo 777 N. Stemmons Frwy Suite 1000 Dallas, TX 75207-2328	(d)Carey D. Ebert P. O. Box 941166 Plano, TX 75094-1166	(d)Internal Revenue Service P O Box 7346 Phildelphis, PA 19101-7346
End of Label Matrix		
Mailable recipients	42	
Bypassed recipients	3	
Total	45	